

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

INFODELI, LLC, et al.,	)	
	)	
Plaintiffs,	)	
	)	No.: 4:15-cv-00364-BCW
v.	)	
	)	<b>ORAL ARGUMENT REQUESTED</b>
WESTERN ROBIDOUX, INC., et al.,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS**  
**CLAIM XII FOR FAILURE TO STATE A CLAIM,**  
**AND CLAIMS IV, V, VI, AND VII FOR LACK OF JURISDICTION**

Defendants Western Robidoux, Inc. (“WRI”), and Connie Burri, Brian Burri, Peter Burri, and Cindy Burri (collectively, the “Burri Family Defendants”), pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully request this Court dismiss Claim XII for failure to state a claim because Plaintiffs fail to adequately allege a meeting of the minds among the defendants sufficient to support a conspiracy claim.

Further, the Burri Defendants, pursuant to Rule 12(b)(1), respectfully request this Court dismiss Claims IV, V, VI, and VII of the First Amended Complaint for lack of supplemental jurisdiction under 28 U.S.C. § 1367(a) or, alternatively, 28 U.S.C. § 1367(c)(2). This Court should decline to exercise supplemental jurisdiction over Plaintiffs’ claims IV, V, VI, and VII (collectively the “Shareholder Claims”), because they do not form part of the same case or controversy as claims I, II, III, VIII, IX, X and XI (collectively the “Software Claims”), and because the Shareholder Claims substantially predominate over the Software Claims that form the basis for this Court’s original jurisdiction.

For these reasons, and the reasons set forth in the Suggestions in Support filed herewith, the Court should grant this Motion to Dismiss.

The Movants request oral argument on this Motion to Dismiss.

Dated: August 19, 2015

Respectfully submitted,

ROUSE HENDRICKS GERMAN MAY PC

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BURRI, AND CONNIE S. BURRI

#### CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this 19<sup>th</sup> day of August, 2015 the foregoing document was filed with the Clerk of the Court by using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Daniel E. Blegen  
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